

**To:** Warden and Members of County Council

**From:** Director of Community Planning

## **Application for Draft Plan of Condominium and Exemption from Draft Plan Approval CD 21-02-7 – 2412374 Ontario Limited**

### **RECOMMENDATIONS**

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1. That Oxford County Council grant draft plan approval to a proposed condominium submitted by 2412374 Ontario Ltd, (File No. CD 21-02-7), prepared by Van Harten Surveying Inc, dated March 25, 2021, for lands described as Part Lots 1463 & 1464, Plan 500, and Part 2 of Reference Plan 41R-7261, in the Town of Tillsonburg;
2. And further, that Oxford County Council approve the application for exemption from the draft plan of condominium approval process submitted by 2412374 Ontario Ltd, (File No. CD 21-02-7), prepared by Van Harten Surveying Inc, dated March 25, 2021, for lands described as Part Lots 1463 & 1464, Plan 500, and Part 2 of Reference Plan 41R-7261, in the Town of Tillsonburg.

### **REPORT HIGHLIGHTS**

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- The purpose of this report is to consider the approval of a draft plan of condominium and exemption from the draft approval process to facilitate condominium ownership of an apartment building, consisting of 33 dwelling units.
- No concerns were raised as a result of agency circulation.
- The proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan and complies with the provisions of the Town's Zoning By-law.

### **Implementation Points**

The application will be implemented in accordance with the relevant policies contained in the Official Plan.







## Financial Impact

The approval of this application will have no financial impact beyond what has been approved in the current year's budget.

## Communications

There are no public notice requirements for this application under the *Condominium Act*.

## Strategic Plan (2020-2022)

					
<b>WORKS WELL TOGETHER</b>	<b>WELL CONNECTED</b>	<b>SHAPES THE FUTURE</b>	<b>INFORMS &amp; ENGAGES</b>	<b>PERFORMS &amp; DELIVERS</b>	<b>POSITIVE IMPACT</b>
		3.ii.			

## DISCUSSION

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### Background

**Owner:** 2412374 Ontario Limited  
 3410 South Service Road, Unit G5, Burlington ON, L7N 3T2

**Agent:** Valour Capital (c/o Carson O'Connor)  
 3410 South Service Road, Unit G5, Burlington ON, L7N 3T2

### Location:

The subject property is described as Part Lots 1463 & 1464, Plan 500, and Part 2 of Reference Plan 41R-7261, in the Town of Tillsonburg. The lands are located on the west side of John Pound Road, between Bidwell Street (closed) and Savannah Court, and are municipally known as 3 John Pound Road.

### County of Oxford Official Plan:

#### Existing:

Schedule "T-1"	Town of Tillsonburg Land Use Plan	Residential
Schedule "T-2"	Town of Tillsonburg Residential Density Plan	Medium Density Residential

## Town of Tillsonburg Zoning By-Law 3295:

Existing Zoning: 'Special Medium Density Residential Zone (RM-4)'

### Proposal:

An application has been received for approval of a plan of condominium and exemption from the draft approval process. The application will facilitate condominium ownership of an apartment building, whereby each of the 33 units will be privately owned.

For Council's information, a zone change application (ZN 7-17-10) was approved by Town Council in September 2017 for the purpose of facilitating the proposed development. Subsequent to this, the owner obtained site plan approval for the apartment building development from the Town in August 18, 2020 (TSPC 7-180 & TSPC 7-180-1). The approved site plan includes the 33 unit apartment building, with access from Savannah Court, which is a private road.

The applicant has also requested an exemption from the standard draft plan process as all development matters have been addressed in the approved site plan and agreement.

Surrounding land uses include a single detached dwelling condominium development to the south and single detached dwellings to the north and west at the top of the hill at the western terminus of Bidwell Street. A restaurant and lands used for golf course purposes are to the east.

Plate 1 – Existing Zoning & Location Map, depicts the location of the property and the current zoning in place.

Plate 2 – Approved Site Plan, is a copy of the approved site plan for the proposed development.

Plate 3 – Proposed Draft Plan of Condominium, depicts the proposed condominium.

### Comments

#### 2020 Provincial Policy Statement

Section 1.1.1 of the PPS directs that healthy, liveable, and safe communities are sustained, in part, by accommodating an appropriate range and mix of residential (including additional units, affordable housing, and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.

According to Section 1.1.3.1 (Settlement Areas), settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses, which efficiently use land and resources, and are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, as well as a range of uses and opportunities for intensification and redevelopment.

The policies of Section 1.1.3.6 state that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Further, Section 1.4 (Housing) directs that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households;
- Permitting and facilitating all forms of housing required to meet the social, health, and well-being requirements of current and future residents;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and,
- Establishing development standards for residential intensification, redevelopment, and new residential development which minimize the cost of housing and facilitate compact form while maintaining appropriate levels of public health and safety.

#### Official Plan

The subject property is designated Medium Density Residential as per Schedule T-2, Residential Density Plan for the Town of Tillsonburg, as contained in the Oxford County Official Plan.

The Official Plan directs that Medium Density Residential Areas are those lands that are primarily developed or planned for low to medium profile multiple unit development that exceeds densities established for Low Density Residential areas. Residential uses within the Medium Density Residential areas include townhouses, medium density cluster development, converted dwellings and low-rise apartments.

The maximum net residential density in the Medium Density Residential area is 62 units per hectare (25 units per acre) and no building shall exceed four stories in height at street elevation. Within areas of new Medium Density Residential development, the minimum net residential density shall be 31 units per hectare (13 units per acre).

Any new buildings or additions will respect the height, bulk, scale and setbacks of adjacent residential uses and shall not adversely impact adjacent residential uses in terms of light, views, privacy or traffic.

When considering a specific proposal for Medium Density Residential development, Town Council will be satisfied that the policies of Section 8.2.7 are adequately addressed. The review criteria contained within Section 8.2.7 include consideration of driveways and parking areas, pedestrian activity, landscaping, play/recreational opportunities, utilities and operational facilities, and safety and comfort.

## Zoning By-Law

The subject property is currently zoned 'Special Medium Density Residential Zone (RM-4)', according to the Town of Tillsonburg Zoning By-law. The RM-4 zone permits an apartment dwelling, subject to a number of special provisions related to front yard depth, exterior and interior side yard widths, lot area and parking. The RM-4 Zone also limits the number of apartment dwelling units to 33.

The approved site plan complies with all of the provisions of the Zoning By-law, including the special provisions noted above, as well as provisions related to required landscaped open space, maximum permitted lot coverage and required amenity area.

## Agency Comments

This application was circulated to a number of agencies considered to have an interest in the proposal. No concerns or objections were raised by any of the responding agencies.

## Town of Tillsonburg Council

Town of Tillsonburg Council recommended support of the proposed draft approval for the plan of condominium and exemption from the draft plan of condominium approval process at their regular meeting of September 20, 2021.

## Planning Analysis

Applications for condominium approval are typically dealt with in one of two ways, in accordance with the Condominium Act. The first method generally involves a process similar to an application for draft plan of subdivision where, after appropriate circulation, a proposal receives 'draft' approval which is contingent on the applicant satisfying a number of conditions prior to final approval and registration.

The second process is where the approval of the condominium is exempt from the draft or 'conditional' approval stage and proceeds directly to final approval. The exemption process is intended to apply to proposals that have previously undergone a complete evaluation (i.e. zoning and/or Official Plan amendments, site plan approval) and no further conditions of approval are required by the municipality for the development to proceed.

As noted, the proposed development was subject to a zoning amendment that was approved by Town Council in 2017. The development received site plan approval from the Town in August 2020, and is subject to the conditions of the development agreement that was entered into with the Town of Tillsonburg as part of the site plan approval process. In light of this, staff are of the opinion that the requested exemption can be considered appropriate.

As the proposal will facilitate the creation of an alternative form of housing to meet the long term needs of current and future residents in a designated Settlement Area, Planning staff are of the opinion that the proposal is consistent with the policies of the PPS.

The proposal complies with the policies contained within Section 8.2.2.2 that encourage the creation of housing opportunities that may result in a mix of tenure forms, such as ownership, rental, and cooperative, throughout the Town. The proposal is also consistent with the policy direction within Section 8.2.2.5 that promotes residential intensification in appropriate locations to make more efficient use of existing land, infrastructure, and public services.

Based on a review of the draft plan of condominium, it would appear that the proposed development will meet the relevant provisions of the 'RM-4' Zone.

## **Conclusions**

In light of the foregoing, Planning staff are of the opinion that the proposal is consistent with the relevant policies of the Provincial Policy Statement, maintains the general intent of the County Official Plan, and complies with the provisions of the Town's Zoning By-law. As such, the application for draft plan of condominium and exemption from the draft approval process can be supported from a planning perspective.

## **SIGNATURES**

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### **Report Author:**

Original signed by \_\_\_\_\_  
Eric Gilbert, MCIP, RPP  
Senior Planner

### **Departmental Approval:**

Original signed by \_\_\_\_\_  
Gordon K. Hough, RPP  
Director of Community Planning

### **Approved for submission:**

Original signed by \_\_\_\_\_  
Michael Duben, B.A., LL.B.  
Chief Administrative Officer

## **ATTACHMENTS**

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Attachment 1:	Plate 1 – Existing Zoning & Location Map
Attachment 2:	Plate 2 – Approved Site Plan
Attachment 3:	Plate 3 – Proposed Draft Plan of Condominium